

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-10	File(s): A39.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway widening proposing a driveway width of 6.10m (approx. 20.01ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (approx. 17.06ft) in this instance.

Background

Property Address: 3371 Nighthawk Trail

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM5 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Osprey Boulevard and Nighthawk Trail intersection. The subject property is an interior parcel with a lot area of +/- 228.39m² and a lot frontage of +/- 6.91m. It currently houses a two-storey, townhouse with little to no vegetation and landscape elements in the front and rear yard. Contextually, the area is comprised exclusively of townhouse residential dwellings with lot frontages of +/-7.0m and minimal vegetative and natural landscaped elements within the front yards.

The applicant is proposing a wider driveway requiring variances for driveway width.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is situated within the Lisgar Neighbourhood Character Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low density dwellings with individual frontages. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. From a streetscape perspective, the proposed larger driveway identified in the drawings, would be comparable to other neighbouring properties and maintains the established neighbourhood context. The application is in line with both the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 0225-2007, the subject property is zoned RM5 (Residential). Pursuant to Table 4.11.1 (RM5 Permitted Uses and Zone Regulations), the maximum driveway width for a townhouse dwelling is 5.2m; whereas, the Applicant is proposing 6.10m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, while maintain 25% of the lot coverage to be soft landscaping. While 6.10m is larger than the permissible 5.2m regulated through the By-law; the proposed configuration (inclusive of both walkways) does not permit a third vehicle. Planning Staff can support the variance as requested however planning staff cannot confirm whether the applicant meets the required soft landscaping and the applicant may wish to defer for this reason to ensure all variances have been identified.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

While the relief sought represents a deviation from what is contemplated through the Zoning By-law; Staff note, the proposed driveway does not permit a third vehicle. The variance, as requested, results in both the orderly development of the lands, and whose impacts will be minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as requested. Information pertaining to lot coverage was not required however, the committee may wish to defer the application to confirm that no other variances are required. The Applicant may also wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos which depict the existing driveway.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 18th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-217/20, DEF-A-358/20, DEF-A-379/20, DEF-A-394/20

Minor Variance Applications: A-27/21, A-31/21, A-38/21, A-39/21, A-42/21, A-44/21, A-45/21

Comments Prepared by: Diana Guida, Junior Planner